


Idaho Department of Correction 	Standard Operating Procedure	Title: Access to Courts	Page: 1 of 15
		Control Number: 405.02.01.001	Version: 5.0 Adopted: 08/15/1995

**Jeff Zmuda, chief of the division of prisons approved this document on
05/04/2016.**

Open to the public: ☒ **Yes**

SCOPE

This standard operating procedure (SOP) applies to all inmates, and to all employees involved in the planning, management, or operation governing the legal activities of inmates housed in department correctional facilities.

Revision History
Revision date (05/04/2016) version 5.0: Removed information regarding civil service of summons and complaint. That content was moved to <i>Attorney and Professional Individual Assess to Inmates</i> , SOP 604.02.01.002, update format to current standard, minor revision for clarification throughout, and removed excessive hyperlinks.

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BOARD OF CORRECTION IDAPA RULE NUMBER 405

Court Proceedings within a Facility

POLICY CONTROL NUMBER 405

Access to Courts

PURPOSE

This standard operating procedure establishes requirements for providing all inmates access to the courts to pursue constitutionally mandated legal actions and other legal filings identified by the Idaho Department of Correction (IDOC).

RESPONSIBILITY

Facility heads or designees are responsible for implementing this SOP, and compliance with its requirements.

Facility heads (or their designee) must:

- Make readily available to inmates locked boxes designated for access to courts request forms.
- Make access to courts request forms readily available to the inmate population.
- Designate a location (generally the Resource Center) to store legal resource material.

GENERAL REQUIREMENTS

1. Qualified Legal Claims

The IDOC has identified the following legal claims as qualified legal claims.

State Court

- Rule 35 (Correction or reduction of sentence)
- UPCA (Uniform Post-Conviction Procedure Act)
- State Civil Rights
- State Habeas Corpus
- General appeals
- UPCA appeals
- Rule 35 appeal
- Modification of Idaho child support order and initial motion to suspend child support obligations during incarceration only.
- Tort Claim
- Credit for Time Served
- Power of Attorney

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Federal Court

- Federal Civil Rights
- Federal Habeas Corpus
- 9th Circuit Appeal
- Petition for Writ of Certiorari – U.S. Supreme Court

The department provides forms and instructions for initial filing of the above types of matters, most containing instructions and other relevant information. Forms are identified in the *Access to Courts Manual*.

If an inmate needs assistance other than what is identified as a qualified legal claim above, the request for assistance should be sent by Inmate Concern to the division of prison's access to courts coordinator for consideration.

2. Process to Request Access to Courts Assistance, Services, and Resources

Access to Courts Request Process

Person Responsible	Step	Tasks
Inmate	1	<ul style="list-style-type: none"> • Request paralegal assistance, services, and resources using the Access to Courts Request Form; and • Place the signed form in the designated lock box. • If in need of the form, see a paralegal (or other facility head-designated staff member).
Paralegal Staff	2	Gather access to courts request forms each business day. Fulfill the request by any of the listed methods as needed: <ul style="list-style-type: none"> • Sending requested authorized resources or information by institutional mail • Scheduling an appointment to meet the inmate • Providing the list of qualified legal claim packets from which to choose • Allowing the inmate to review legal resources at the Resource Center or check out legal resources for a designated period • If books are checked out, log in the Book Check-out Log (Access to Courts database).
Paralegal Staff	3	If the inmate is unable to read or write English, or suffers from physical or cognitive impairment, which renders the inmate incapable of writing or filling out Access to Courts Requests, the Paralegal shall provide the necessary assistance to the inmate in completing the authorized court filings.
	4	If the inmate does not understand English, do any of the following as necessary: <ul style="list-style-type: none"> • Arrange for an IDOC staff member to interpret; or • Arrange for another inmate to interpret; or • Access interpretation from an alternative source, such

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Person Responsible	Step	Tasks
		as utilizing the AT&T Language Translation Service; Language Line Services.
Inmate	5	Complete the claim for filing with the court.

3. Authorized Photocopies

Authorized photocopies are:

- Documents and all attachments for qualified legal claims, as identified in this SOP, that are ready to be filed with the court and opposing counsel, as required.
- A completed Power of Attorney signed by the inmate and notarized, if needed.
- A photocopy of an inmate's legal mail log maintained by the prison Resource Center for a specific date or date range (not to exceed five (5) days), in order to document to a court when a filing was presented to the prison legal Resource Center for mailing. Standard photocopying charges will apply with the exception of the copy to be filed with the court.
- An inmate may request a certified copy of his/her Inmate Trust Account Statement to attach to required legal pleadings if seeking a waiver or partial waiver of court fees under Idaho Code §31-3220A, or appeal under Idaho Appellate Rule 24(h), or if seeking In Forma Pauperis status for the U.S. District Court. An inmate requesting this record must use an Access to Courts Request Form by submitting it to the facility paralegal according to the process identified in this SOP. Unless the inmate is indigent, a charge of \$.10 per page will be assessed. The following information must be included with the inmates request:
 - A prepared withdrawal slip for the cost of the certified copy (unless indigent)
 - Identify the date range required by the Court – six months for a federal filing and 12 months for a state filing
 - The Resource Center Paralegal will affix a certification stamp to each page of the inmate's Trust Account Statement, if the statement consists of more than one page

If there is a question regarding the documents or attachments, paralegal staff determines what documents are necessary based on court rules or by contacting the court.

If an inmate is served with a summons and complaint that requires a response per *Idaho Rules of Civil Procedure* or *Federal Rules of Civil Procedure*, the inmate is provided the opportunity to file a response. Paralegal staff must provide mailing and photocopying services consistent with court filing requirements. Paralegal assistance and services are limited to the initial response only.

Class Action and Multiple Inmate Legal Actions

When inmates jointly file documents and attachments with the court as co-plaintiffs (parties to the legal action) photocopies must not be made for all parties to the legal action because a full photocopy must be maintained in the Resource Center. However, the inmate who filed the legal action with the court has the option of paying for one additional full photocopy, as his personal copy. Upon request, all other parties to the legal action may review the photocopy maintained in the Resource Center.

Photocopies of subsequent filings on that case are placed with the previous photocopy maintained in the Resource Center so a complete record of the legal action is available.

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If an inmate who is a party to the legal action is transferred to another facility, a full photocopy of the filings may be made for that inmate at his own expense. However, if the inmate meets the requirements to be considered indigent as defined in SOP 402.02.01.001, *Mail Handling in Correctional Facilities*, a full photocopy may be made for that inmate upon his request at no expense to the inmate.

4. Mailing and Photocopying Court Documents and Legal Mail

Photocopying privileges for inmates have the following conditions:

- Inmates (excluding indigent inmates) are charged ten cents per page for copies.
- Inmates, unless indigent, should use their own envelopes for court filings; however, to meet a court filing deadline, an inmate may purchase envelopes from the Resource Center at the equivalent commissary price. If an inmate is indigent, there is no charge for envelopes.
- Page limitations on pleadings may be enforced in accordance with court rules.

Procedure for Filing Pleadings and Other Documents with a Court

Person Responsible	Step	Tasks
Inmate	1	<ul style="list-style-type: none"> • Complete the documents, forms, or pleadings to be photocopied and mailed. • Submit to the paralegal staff the Access to Courts Request Form for copies, notary, and mailing services as needed. • Complete an Offender Personal Funds Withdrawal Slip if not indigent. • If in need of the form, see a paralegal or other facility head-designated staff member.
Paralegal Staff	2	<ul style="list-style-type: none"> • Meet with the inmate. • Determine those documents authorized for photocopying in accordance with this SOP. • Notarize the documents that require a notary if needed. • Photocopy the documents as required by court rules.
	3	Within two business days of completing the request, forward the Offender Personal Funds Withdrawal Slip to the facility financial specialist (or designee) for processing. If the inmate is indigent, you do not need to complete a withdrawal slip nor charge the inmate for photocopying the documents.
	4	<ul style="list-style-type: none"> • Complete the Outgoing Legal Mail Log (Access to Courts database) and if needed, the Notary Services Log. • Forward the legal mail to the mailroom for postage and mailing.

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5. Service of Documents upon Opposing Parties

Service of a summons and complaint by mail is not effective service in a state of Idaho court matter.

Service on the IDOC, Idaho Board of Correction, Idaho Commission of Pardons and Parole, or Any Employee Thereof

An inmate must neither attempt, nor cause another inmate acting on his behalf to attempt to personally serve any legal documents on the IDOC, the Idaho Board of Correction, the Idaho Commission of Pardons and Parole, or any employee thereof.

Service on the IDOC, the Idaho Board of Correction, the Idaho Commission of Pardons and Parole, or any employee thereof, by an inmate or member of the general public, must be made by personal service upon a deputy attorney general (DAG) representing the IDOC. Service on any other person or entity is the sole responsibility of the inmate.

Any service upon a DAG must be in accordance with applicable court rules and take place at Central Office.

Service by an Outside Process Server

An inmate may be served with court documents regarding a civil action filed against the inmate according to *Attorney and Professional Individual Access to Inmates*, SOP 604.02.01.002.

6. Access to Court Supplies for Indigent Inmates

Indigent status is defined in SOP [402.02.01.001](#), *Mail Handling in Correctional Facilities*. If an inmate does not meet the requirements as defined to be considered indigent, the paralegal or other facility head-designated staff member must ensure the inmate has the ability to access the courts in accordance with this SOP. This may include providing the inmate with indigent supplies, photocopying documents for the inmate, or providing postage, if necessary. For example, if an inmate has one dollar and twenty cents (\$1.20) in his Inmate Trust Account and needs to make 30 photocopies of a motion and mail it to the court to be filed, the paralegal or other facility head-designated staff member must accommodate the request even though the inmate does not have enough money in his account to cover the full expense of photocopying and mailing the motion.

Indigent supplies are:

- Blank paper for preparing court filings (no more than 25 sheets in an offender's possession at any time)
- Envelopes for mailing at the time of filing or to a verifiable attorney of record
- One security pen (black ink only) on an exchange basis

Indigent inmates should use preprinted forms if available. The blank sheets of paper must have the facility name and the terms 'indigent legal paper' printed in the bottom left corner of at least one side of the paper to identify it as paper that has been authorized for legal work.

If the inmate is misusing or wasting the indigent supplies issued to him, the facility head or designee may limit the number of indigent supplies the inmate has on hand or is issued.

Procedure to Obtain Indigent Supplies

Person Responsible	Step	Tasks
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Person Responsible	Step	Tasks
Inmate	1	Request indigent supplies using the Access to Courts Request Form. If in need of the form, see a paralegal or other facility head-designated staff member.
Paralegal Staff	2	Determine what indigent supplies are needed.
	3	Enter the individual items in the Resource Center Indigent Inmate Supplies Log and Access to Courts database.
	4	Issue the indigent supplies to the inmate.

7. Inmates who are Unable to Complete Forms

An inmate who believes he/she needs help completing qualified legal claim forms as defined in section 1 may:

- Directly contact an attorney and seek representation at the inmate's expense
- Complete a Motion and Affidavit in Support for Appointment of Counsel
- Request assistance from paralegal staff

8. Inmate-to-Inmate Assistance

Inmates may assist one another with legal work if they meet all the following conditions:

- Both inmates must live in the same housing unit and have access to one another during normal facility operations.
- The assisting inmate cannot (a) work on the legal material alone, (b) possess the other inmate's legal materials, or (c) prepare or write the other inmate's materials and documents unless the inmate is unable to prepare or write them due to being illiterate in the English language or due to a physical disability preventing the inmate from writing.
- An inmate must not receive any item or service for helping another inmate with legal work.
- An inmate must not represent another person in any legal proceeding.

WARNING!

Inmates must not engage in the unauthorized practice of law. (Idaho Code, section 3-420; and In Re: Matthews, 58 Idaho 772.) Inmates may be referred to the Idaho State Bar for prosecution for the unauthorized practice of law. Any inmate caught engaging in the unauthorized practice of law will be prohibited from assisting any other inmate.

Obtaining, Completing, and Processing Affidavits

When affidavits are complete, the affidavits and copies of attachments becomes the property of the inmate filing the claim. Original attachments will be returned to the inmate providing the attachment.

When necessary, due to custody level; housing; or facility, paralegal staff may help inmates with the process of obtaining affidavits. The following information must be obtained before the process begins:

- The name and address of the inmate filing the document

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- The court in which the case is pending or will be filed
- The name of the inmate attesting to the information in the affidavit
- The case number if one has been assigned

After the information noted above is obtained, the affidavit may be given to the inmate attesting to the information. The attesting inmate may write the affidavit or sign the affidavit if the filing inmate wrote the information. If the inmate attesting to the affidavit is in another facility, the paralegal staff will facilitate the process.

9. Right to Retain Counsel

This SOP is not intended to interfere with an inmate's right to retain counsel.

10. Supervision of Paralegal Staff

The facility head must designate a deputy warden to provide direct supervision of paralegal staff. Paralegal staff will address operational issues with the designated deputy warden. The paralegal or deputy warden may contact the division of prison's access to courts coordinator regarding operational issues.

The chief of the division of prisons or designee designates a division access to courts coordinator.

The division of prison's access to courts coordinator reports directly to the chief of the division of prisons or designee and is responsible for:

- Responding to requests not authorized by this SOP
- Scheduling and coordinating paralegal meetings
- Identifying training needs and agenda items for the meeting
- Providing guidance to paralegal staff, facility staff, and IDOC administration regarding access to courts issues
- Requesting clarification from the DAG's Office (representing IDOC) regarding access to courts issues
- Requesting clarification of policy and SOP issues from division administration
- Identify staff needing electronic access to the *Access to Courts Manual*, and determine the level of access needed, issue and maintain the appropriate level of access to the electronically stored and protected materials (*Access to Courts Manual*) which contains the Qualified Legal Claims Packets. This includes keeping track of permissions given to approved staff having access.

11. Duties of Paralegal Staff

The IDOC employs paralegal staff to assist inmates with qualified legal claims. Paralegal duties include the following:

- Responding to requests described in this SOP
- Providing inmates with IDOC-authorized legal resources
- Providing inmates with qualified legal claims packets and appropriate instructions
- Explain processes associated with filing legal documents with the courts
- Providing notary services to inmates

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- Provide or secure translation services for non-English speaking inmates through the AT&T Language Line Services to assist with the completion of initial pleadings for qualified legal claims
- Maintaining the following logs and forms in the Resource Center:
 - ◆ Book Check-out Log (Access to Courts database)
 - ◆ Individual Activity Log (Access to Courts database)
 - ◆ Notary Services Log (Notary logs are the property of the notaries)
 - ◆ Outgoing Legal Mail Log in the Access to Courts database-. Note: Paralegals must document the contents of any legal mailing to include the caption of the pleading or type of correspondence being sent out
 - ◆ Resource Center Attorney Telephone Call Request Form
 - ◆ Resource Center Copies Log
 - ◆ Resource Center Indigent Inmate Supplies Log
 - ◆ Resource Center Request to Store Excess Legal Materials Form

A paralegal **must not**:

- Assist inmates to file any claim beyond the scope of this SOP.
- Offer legal advice. (Assistance with grammar, spelling, or other matters not of a legal consequence is not legal advice.)
- Represent an inmate.
- Refer inmates to attorneys or attorneys to inmates.
- Make unauthorized changes to *Access to Courts Manual* forms or packets.
- Schedule appointments for inmates to meet with each other.
-

12. Legal Resources

Resource Centers maintain the publications, forms, and packets listed in the *Access to Courts Manual* and make them available to the facilities they service.

Facility staff may not purchase additional items or create additional forms without the written approval of the director of IDOC or designee.

Resources may be used in the Resource Center or checked out as approved by paralegal staff.

The IDOC does not provide for extensive or generalized legal research. If an inmate wants additional research materials not available in the Resource Center, the materials may be received through the mail in accordance with SOP 402.02.01.001, *Mail Handling in Correctional Facilities*.

13. Telephone Hearings and Attorney Telephone Calls

Telephone Hearings

If the inmate fails to provide 24-hour notice to the IDOC, a paralegal staff will still facilitate the call, if possible.

Person Responsible	Step	Tasks
Facility Head	1	Designate an area(s) for telephone hearings.

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Person Responsible	Step	Tasks
Inmate	2	Provide to paralegal staff a photocopy of the court order or notice of hearing at least 24 hours before the telephone hearing.
Paralegal Staff	3	Review the court order or notice of hearing. Ensure the inmate is scheduled or made available at the time of the telephone hearing.
	4	Facilitate the telephone hearing call at the appropriate time.
	5	Log the call using the Individual Activity Log (Access to Courts database).
Inmate	6	Participate in the telephone hearing.

Attorney Telephone Calls

Inmates may place unmonitored telephone calls to their attorneys using the inmate telephone system. If an inmate is unable to place a direct telephone call to his attorney using the inmate telephone system, the inmate may contact the attorney by mail and request the attorney call the facility paralegal staff and ask to arrange a telephone call from the inmate to the attorney or just correspond with the attorney by mail.

An attorney or attorney's staff may contact the facility paralegal to arrange a time for the inmate to call the attorney as follows:

Person Responsible	Step	Tasks
Attorney or Agent	1	<ul style="list-style-type: none"> • Contact the paralegal staff. • Request an attorney telephone call with the inmate.
Paralegal Staff	2	Log the request using the Individual Activity Log (Access to Courts database).
	3	Prepare a Resource Center Attorney Telephone Call Request Form to forward to the inmate with the name of the attorney, the telephone number to call, and the date and time the attorney telephone call is to be placed.
Inmate	4	Place the attorney telephone call from an inmate phone.

14. Forms for Qualified Legal Claims

Authorized forms for qualified legal claims are maintained in the *Access to Courts Manual*. Only paralegal staff and designees have access to the manual.

Prohibited Forms

Inmates must not draft or possess the following:

- Completed or blank transport orders
- Blank letterhead stationery of any kind

15. Access to Courts Procedures for Facilities without a Resource Center

Inmates housed at St. Anthony Work Camp (SAWC), North Idaho Correctional Institution (NICI), South Boise Women's Correctional Center (SBWCC), or a Community Reentry Center (CRC) must use the appropriate Resource Center listed below to provide inmates

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access to court services. The division of prison's access to courts coordinator may also provide services. The facility head or designee must designate a facility staff member to help inmates with general, day-to-day operational issues regarding access to courts matters. The division of prison's access to courts coordinator may make temporary (up to 60 days) reassignments of this reporting structure to accommodate training or staff shortages. The assigned paralegal at the facility that has a Resource Center must visit the facility served that does not have a Resource Center at least once each month.

Resource Centers

Resource Center	Facility Served
Idaho Correctional Institution Orofino (ICIO)	<ul style="list-style-type: none"> • ICIO • NICI • County Jails – Dist. 1 & 2
South Idaho Correctional Institution (SICI)	<ul style="list-style-type: none"> • East Boise CRC • Nampa CRC • SBWCC • SICI • Treasure Valley CRC • County Jails – Dist. 3, 4 & 5
Pocatello Women's Correctional Center (PWCC)	<ul style="list-style-type: none"> • Idaho Falls CRC • PWCC • SAWC • County Jail – Dist. 6 & 7

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Process Steps for Inmates Housed at Facilities without a Resource Center

Person Responsible	Step	Tasks
Inmate	1	<ul style="list-style-type: none"> Complete the Access to Courts Request Form, asking the facility head or designee for paralegal assistance, services, or resources. If in need of the form, see a paralegal or other facility head-designated staff member.
Facility Head (or Designee)	2	Call the appropriate Resource Center and, if possible, have the inmate talk directly to a paralegal.
Paralegal	3	<ul style="list-style-type: none"> Tell the facility head or designee which services or resources the inmate needs; and Log the call using the Individual Activity Log (Access to Courts database).
Facility Head (or Designee)	4	<ul style="list-style-type: none"> Ensure the inmate receives the services or resources; and Document in the Corrections Integrated System (CIS), using the contact sheets, when the inmate receives the services or resources.

16. Storage of Excess Legal Materials

Each facility head must identify a secure area for storing an inmate's excess legal materials. For the purpose of this SOP only, 'secure storage' means an area in a Resource Center or another part of the facility that can be locked, and where inmates and unauthorized staff do not have access.

The IDOC will store legal materials related to active and ongoing qualified legal claims that cannot be contained in an inmate's authorized personal property. The amount of storage space needed must be taken into account when considering an inmate's request to store excess legal materials that are referenced in the inmate's active and ongoing litigation.

The IDOC does not store case law that is not specifically and directly related to an active and ongoing case, excess legal materials, multiple copies of pleadings, research materials, or materials not directly related to the inmate's active and ongoing litigation.

Legal materials remaining after the inmate has been released must be disposed of in accordance with SOP 320.02.01.001, *Property: State-issued and Offender Personal Property*. If the offender has paroled, any legal material left at the facility must be forwarded to the offender's new address and documented in CIS in accordance with SOP 320.02.01.001.

Annually, paralegal staff must review stored excess legal materials with the inmate present. If it is determined during this review that materials being stored are no longer active and closed, the facility paralegal will advise the inmate of his/her options for disposition of these excess materials. Validation and determination will be accomplished by using the Idaho Supreme Court Repository, The U.S. District Court for the District of Idaho, or through the 9th Cir. Court of Appeals websites. The paralegal will initiate the process of advising the inmate of his/her options for disposition of the excess materials and begin that process. If the inmate cannot be present, paralegal staff must document the reason in the Individual Activity Log.

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Each facility must develop a field memorandum to describe the process for inmates to store and retrieve their excess legal materials, and a process to inventory the material. The division of prison's access to courts coordinator should be contacted to provide guidance to facility staff in the development of the field memorandum.

Process Steps: Storage of Excess Legal Materials

Person Responsible	Step	Tasks
Inmate	1	<ul style="list-style-type: none"> Complete a Resource Center Request to Store Excess Legal Materials Form; and Submit it to housing unit staff for verification. <p>If in need of the form, see a paralegal or other facility head-designated staff member.</p>
Housing Unit Staff	2	<ul style="list-style-type: none"> Verify the legal materials are in excess of the allowable three cubic feet of personal papers and legal materials allowable per SOP 320.02.01.001, <i>Property: State-issued and Offender Personal Property</i>; and Complete the submitted Resource Center Request to Store Excess Legal Materials Form and return it to the inmate.
Inmate	3	<p>Submit the completed Resource Center Request to Store Excess Legal Materials Form to paralegal staff or other facility head-designated staff member.</p> <p>If there are no case numbers, titles, court information, or required signatures on the form, paralegal staff or the facility head-designated staff member will return the form to you and the process ends here.</p> <p>If needed, the paralegal staff or facility head-designated staff member may provide a box to store your excess legal materials. If you want to organize your excess legal materials when storing them, it is your responsibility to purchase organizing materials from commissary and organize your excess legal materials before storing them.</p>
Paralegal Staff (or Designee)	4	<p>Verify case numbers, titles, court information, and whether required signatures are provided to determine eligibility for storage.</p> <ul style="list-style-type: none"> If this information is not submitted return the form to the inmate and end the process here until the required information is submitted; or If this information is submitted go to step 5.
Paralegal Staff (or Designee) and Inmate	5	<p>Inform the inmate when to bring the excess legal materials to the secure storage location.</p> <p>If needed, the paralegal may provide the inmate with a box to store excess legal materials.</p>

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Person Responsible	Step	Tasks
	6	In accordance with SOP 320.02.01.001, <i>Property: State-issued and Inmate Personal Property</i> : <ul style="list-style-type: none"> Search the excess legal material for unauthorized items; and Dispose of the unauthorized items in accordance with SOP 320.02.01.001.
	7	Clearly mark and identify each file folder, envelope, or box.
	8	Create an inventory sheet for documenting and tracking the excess legal materials.
Paralegal Staff (or Designee)		

17. Record Retention

Paralegal staff must retain copies of access to court forms, attachments, and other logs and documentation identified in this SOP for five years for paper and seven years for electronic records from the date of the record.

18. Attorney Access

Attorney access is explained in SOP 604.02.01.00, *Attorney and Professional Individual Access to Inmates*.

19. Searching Legal Material

Information regarding the search of inmates' legal material is in SOP 317.02.01.001, *Searches: Cell/Living Unit, and Offender*.

DEFINITIONS

Access to Courts Request Form: A printed form provided for inmates to make requests for accessing Idaho Department of Correction (IDOC)-provided legal resources or assistance from IDOC paralegal staff.

Access to Courts Manual: An Idaho Department of Correction (IDOC) manual that contains qualified legal claim packets and forms for inmates to file initial pleadings with a court.

AT&T Language Assistance Line: This is a contracted service that provides translation services in over 170 languages 24 hours a day, 7 days a week. All facility Resource Centers are provided with the information necessary to be able to utilize this service.

Legal Mail: Confidential communication directly between (a) an inmate and an attorney (for the purposes of seeking or providing legal services only), (b) an inmate and the court, (c) opposing parties for service of documents pursuant to court rules, or (d) third parties for service of documents pursuant to court rules.

Legal Resources: Those statutes, codes, court rules, legal reference materials, and publications provided by the Idaho Department of Correction (IDOC) for use by inmates on legal matters.

Paralegal / Legal Assistant: A person hired by the Idaho Department of Correction (IDOC) to assist inmates with (a) completing legal packets and forms, and (b) accessing IDOC-provided legal resources, notary services, and translator services.

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Resource Center: An area of a facility — designated and approved by the facility head — where (a) legal resources are maintained, and (b) the photocopying and mailing of legal materials are performed pursuant to written Idaho Department of Correction (IDOC) or facility guidelines.

Unauthorized Practice of Law: The practicing of law by any person (a) who has not become duly admitted and licensed to practice law within the state of Idaho; (b) whose right or license to practice within the state of Idaho has been terminated either by disbarment, suspension, or failure to pay license; or (c) who practices or assumes to act or hold himself out to any other person as a person qualified to practice law, to include giving legal advice and counsel, and the preparation of instruments and contracts by which legal rights are secured, although such matter may or may not be pending in a court.

REFERENCES

Federal Rules of Civil Procedure

Idaho Code, Title 3, Chapter 4, Section 3-420, *Unlawful Practice of Law – Penalty*

Idaho Department of Correction Manual, [Access to Courts](#)

Idaho Rules of Civil Procedure

Standard Operating Procedure 317.02.01.001, *Searches: Cell/Living Unit, and Offender*

Standard Operating Procedure 320.02.01.001, *Property: State-issued and Inmate Personal Property*

Standard Operating Procedure 402.02.01.001, *Mail Handling in Correctional Facilities*

Standard Operating Procedure 503.02.01.001, *Telephone and Electronic Communications: Inmates*

State v. Mathews, 58 Idaho 772, 79 P.2d 535, (1938)

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